REMARKS

Claim 9 has been cancelled. Claims 1, 8, 10, 15, 17 and 19 have been amended. Claims 1-8 and 10-22 remain pending in the application.

Claims 1, 2, 4-10, 12-15, 17, 19 and 21 over Videcrantz in view of Miliani

In the Office Action, claims 1, 2, 4-10, 12-15, 17, 19 and 21 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over U.S. Patent No. 6,627,588 to Videcrantz et al. ("Videcrantz") in view of U.S. Patent No. 5,682,426 to Miliani et al. ("Miliani"). Claim 9 has been cancelled. The Applicant respectfully traverses the rejection.

Claims 1, 2 and 4-7 recite a digital data stream where only some of a plurality of data packets within a single digital data stream are scrambled and where in these data packets the data payload comprises a scrambled and an unscrambled portion and the header portion is not scrambled. Claims 8 and 17 recite scrambling a first central portion of a data payload of some of a plurality of data packets within a single data packet stream without scrambling the header or a second portion of the data payload of these data packets. Claims 10, 12-15, 19 and 21 recite scrambling and descrambling only a central portion of a data portion of every nth one of a plurality of data packets, where n is an integer greater than 1, while leaving a second portion of the data portion of these data packets unscrambled.

The Examiner acknowledged that Videcrantz fails to teach a digital data stream wherein some of a plurality of data packets within the digital data stream are scrambled (See Office Action, page 5). The Examiner relies on Miliani at col. 15, lines 7-15 to allegedly make up for the deficiencies in Videcrantz to arrive at the claimed features. The Applicant respectfully disagrees.

First, Miliani at col. 15, lines 7-15 appears to disclose a method of allowing providers of premium channels, such as HBO, to block reception of these channels. To accomplish this task, an interdiction device is used to selectively scramble television channel signals from within the block of locally

decrypted channel signals (see Miliani, col. 15, lines 12-15). Miliani discloses descrambling of television channels, with no disclosure that those television channels are being broadcast in a digital form, much less a digital data stream. All of Miliani's input signals into variously disclosed descramblers are disclosed as a multi-channel RF signal in separate frequency channels not digital inputs (see Miliani, Figs. 4, 14, 15-18 and 20; col. 4, lines 36-42).

The Examiner claims that Miliani discloses a digital to analog converter and therefore teaches digital signals and scrambling of the digital stream. Office Action, page 2. Miliani's disclosure of selective scrambling of premium channel signals, however, shows scrambling of analog, not digital signals. See Figs. 17-19. Further, Table 1 in Miliani shows frequencies of channels to be jammed in a VHF system. This is an analog system. Thus, Miliani simply discloses selectively scrambling of certain premium channels such as HBO, without any disclosure of reliance on scrambling packetized information, as recited by claims 1, 2, 4-8, 10, 12-15, 17, 19 and 21.

Second, the Examiner claims that Miliani discloses "scrambling and descrambling of digital signals that represent premium movie channels." Office Action page 2. As explained above, the Applicant respectfully disagrees that Miliani discloses that the signals are digital. The Applicant, however, agrees that Miliani discloses scrambling and unscrambling of signals while leaving other signals unscrambled. The Examiner is lumping all of the channels together and alleging that Miliani's scrambled premium channels and unscrambled non-premium channels equates to scrambling some of a plurality of data packets within a single digital data stream. The Applicant respectfully submits that this misreads Miliani. Thus, Miliani does not disclose or suggest scrambling only a portion of the data packets within a single data stream, as recited by claims 1, 2, 4-8, 10, 12-15, 17, 19 and 21.

Third, Miliani does not disclose scrambling a central portion of the data payload of data packets of a single data stream, while leaving the header and/or a second portion of the data payload of data packets unscrambled. The Examiner does not contend that Miliani discloses this limitation. Instead, the

Examiner contends that Videcrantz, column 26, lines 44-60, discloses a second part of a data packet, which represents the central portion. Office Action, pages 3-4.

Videcrantz at col. 26, lines 44-60, however, discloses:

"The IPSec standard as defined in RFC 2401 provides a method for achieving confidentiality and/or authenticity. In the presently preferred embodiment of the invention encapsulated security payload (ESP) as defined in RFC 2406 is used as the general technology. The ESP processing is performed on the entire IP data communication package in transport- or tunnel mode and provides a new IP data communication package. The ESP processing in transport mode shown in FIG. 6 essentially consists of generation of a new IP data communication package comprising a copy of the original header including an adjustment of the next header value and further consists of the application of ESP on the payload. This results in the encryption of data and the calculation of an ICV. The encryption is performed before the ICV calculation. The field defined as SPI in FIG. 6 is used as reference for which encryption key and which algorithm should be employed."

Thus, Videcrantz at col. 26, lines 44-60 discloses encryption of an "entire IP data communication package." Neither col. 26, lines 44-60 nor anywhere else within Videcrantz discusses anything about a central portion of a data packet, much less disclose scrambling only a central portion of a data payload of a data packet, while leaving unscrambled a second portion of the data payload of the data packet, as recited by claims 1, 2, 4-8, 10, 12-15, 17, 19 and 21.

Moreover, the Applicant respectfully submits that it makes no sense to combine Videcrantz and Miliani. Videcrantz is directed toward encryption of information being transmitted over an area network. Miliani is directed toward encryption of analog television channels. Since components within a computer do not operate with or watch analog television, i.e., premium television channels such as HBO, modifying Videcrantz to encrypt television channels on an area network is nonsensical.

Further, a data stream is a term of art. Videcrantz discloses use of packets throughout the specification but fails to disclose a digital data stream. Miliani, as discussed above, is an analog system that lacks packets and a digital

data stream. Thus, Videcrantz and Miliani fail to disclose a digital data stream or scrambling and descrambling of a plurality of data packets within the digital data stream, much less scrambling and descrambling a central portion of a data payload of some of a plurality of data packets within the digital data stream while leaving the header and/or a second portion of these data packets unscrambled, as recited by claims 1, 2, 4-8, 10, 12-15, 17, 19 and 21. Modifying Videcrantz with Miliani does not result in features that each fails to disclose.

Thus, even if it were somehow obvious to modify Videcrantz with the disclosure of Miliani, which it is not as discussed above, the theoretical result would be a system and method for performing compression, encryption of communication packages on an area network (see Videcrantz, col. 1, lines 6-25) through encryption of premium television channels such as HBO (see Miliani, col. 15, lines 12-15). Videcrantz modified by the disclosure of Miliani fails to disclose or suggest the limitations recited by claims 1, 2, 4-8, 10, 12-15, 17, 19 and 21.

For these and other reasons, claims 1, 2, 4-8, 10, 12-15, 17, 19 and 21 are patentable over the cited art. It is therefore respectfully requested that the rejection be withdrawn.

Claims 3, 11, 16, 18, 20 and 22 over Videcrantz in view of Miliani and Newton

In the Office Action, claims 3, 11, 16, 18, 20 and 22 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Videcrantz in view of Miliani, and further in view of Newton's Telecom Dictionary ("Newton"). The Applicant respectfully traverses the rejection.

Claim 3 depends on claim 1, claim 11 depends on claim 10, claim 16 depends on claim 15, claim 18 depends on claim 17, claim 20 depends on claim 19 and claim 22 depends on claim 21. Claims 3, 11, 16, 18, 20 and 22 are patentable over the prior art of record for the same reasons that their respective independent claims are patentable.

Claims 3, 11, 16, 18, 20 and 22 recite the additional limitation that the digital data packet stream comprises an MPEG-2 digital data stream. The

Examiner relies on Newton to disclose MPEG-2 and its benefits (see Office Action, page 12). However, Newton fails to provide any disclosure or suggestion of applying MPEG-2 to anything related to scrambling and descrambling a central portion of some of a plurality of data packets within the digital data stream while leaving a header portion and a second portion of the data payload unscrambled; and scrambling and descrambling only a central portion of a data portion of every nth one of a plurality of data packets, where n is an integer greater than 1, while leaving a second portion of the data payload of these data packets unscrambled. Thus, Videcrantz in view of Miliani and Newton would still fail to disclose or suggest scrambling and descrambling a central portion of some of a plurality of data packets within the digital data stream while leaving a header portion and a second portion of the data payload unscrambled; and scrambling and descrambling only a central portion of a data portion of every nth one of a plurality of data packets, where n is an integer greater than 1, while leaving a second portion of the data payload of these data packets unscrambled, as recited by claims 3, 11, 16, 18, 20 and 22.

For these and other reasons, claims 3, 11, 16, 18, 20 and 22 are patentable over the cited art. It is therefore respectfully requested that the rejection be withdrawn.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,

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